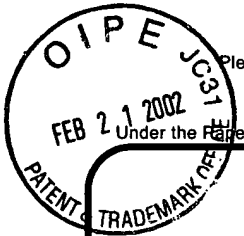


02-25-02

GP  
2/3Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/770,525
Filing Date	January 24, 2001
First Named Inventor	HRABIK, et al.
Group Art Unit	2131
Examiner Name	not yet known
Attorney Docket Number	881075/3

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Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☒ Amendment / Reply (Preliminary)
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition to Make Special
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Statement by Attorney in Support of Petition  
IDS Transmittal Letter to the Commissioner  
Check in the Amount of \$130.00  
Certificate of Express Mailing  
Self-addressed, stamped postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Donna L. Angotti
Signature	<i>Donna L. Angotti</i>
Date	February 21, 2002

## CERTIFICATE OF MAILING EXPRESS MAILING EL 808878445 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class express mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 21, 2002

Typed or printed name	Donna L. Angotti
Signature	<i>Donna L. Angotti</i>
Date	February 21, 2002

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number	09/770,525
Filing Date	January 24, 2001
First Named Inventor	HRABIK, et al.
Examiner Name	not yet known
Group Art Unit	2131
Attorney Docket No.	881075/3

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

500675

SCHULTE ROTH &amp; ZABEL LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X		=	
Multiple Dependent		-3** =		X		=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	\$ 130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

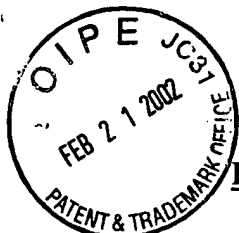
SUBTOTAL (3) (\$ ) 130.00

## SUBMITTED BY

Name (Print/Type)	Donna L. Angotti	Registration No. (Attorney/Agent)	32,679	Telephone	212-756-2488
Signature		Date	February 21, 2002		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/770,525  
Applicant: Michael HRABIK, et al..  
Title: INTERNET MONITORING SOFTWARE  
Filed: January 24, 2001  
Examiner: not yet known  
Group Art Unit: 2131  
Docket No.: 881075/3

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indicated above and is addressed  
to the Commissioner for Patents,  
Washington, D.C. 20231  
Name: Donna L. Angotti  
Signature: *Donna L. Angotti*

Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT BY ATTORNEY IN SUPPORT OF PETITION TO MAKE  
SPECIAL BECAUSE OF ACTUAL INFRINGEMENT**

(37 C.F.R. §1.102 and M.P.E.P. §708.02)

I, Donna L. Angotti, special counsel of Schulte Roth & Zabel LLP, located at 919 Third Avenue, New York, New York 10022, having registration number 32,679 and telephone number (212) 756-2000, am the attorney for all Applicants in the above referenced Patent Application and make the following statements:

1. There is an infringing product actually on the market. The infringing product is a Caltarian™ technology platform of Riptech, Inc., located at 2800 Eisenhower Ave, Alexandria, VA 22314. The Caltarian™ technology platform includes Security Operations Centers ("SOC") which process intrusion events detected on a client's network. Caltarian accesses the client's network through Virtual Private Network (VPN) connections. Firewalls, intrusion detection systems (IDSs), VPNs, and other security applications detect intrusions and log intrusion

information to the SOC over a secure connection. The SOC monitors all intrusion detection devices on the client's network.

2. I have made a rigid comparison of the alleged infringing product with the claims of this application, as amended by the enclosed Preliminary Amendment.

3. In my opinion, at least Claims 13 and 17, added by the attached Preliminary Amendment, are unquestionably infringed. Claims 13 and 17 read as follows:

13. A security system for a computer connected to a computer network comprising:  
at least one detection means associated with said computer, said detection means configured to detect an attack on said computer;  
a master security system located outside said computer network;  
and  
a secure link between said detection means and said master security system enabling data communication therebetween;  
wherein  
said master security system monitors said detection means through said secure link and registers information pertaining to attacks detected by said detection means.

17. A network security system for a target network of computers comprising:  
at least one detection means associated with said target network, said detection means configured to detect an attack on said network;  
a master security system located outside said network; and  
a secure link between said detection means and said master security system enabling data communication therebetween;  
wherein  
said master security system monitors said detection means through said secure link and registers information pertaining to attacks detected by said detection means.


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881075/3

4. I have caused to be made a careful and thorough search of the prior art. All prior art references uncovered in the search are disclosed in the attached Information Disclosure Statement (PTO/SB/08). Copies of the references are enclosed.

5. I believe all the claims in this application which are on file resulting from the attached Preliminary Amendment are allowable.

Respectfully submitted,

Schulte Roth & Zabel LLP  
Attorneys for Applicant  
919 Third Avenue  
New York, NY 10017  
(212)756-2000

By   
Donna L. Angotti  
Reg. No. 32,679

Dated: February 21, 2002  
New York, NY